

Town of Topsfield Board of Health
Meeting of Thursday, August 28, 2014
Town Hall, 8 West Common Street, Topsfield, MA 01983

Meeting Minutes

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Topsfield Board of Health, Thursday, August 28, 2014 at 7:30 pm in the Conference Room of Topsfield Town Hall. A Public Hearing, duly advertised in the Tri Town Transcript on August 15 and 22, is also included in tonight's meeting to review, hear public comment, and vote on proposed changes to Topsfield Septic Regulations.

Board of Health Members present: Chairman William Hunt ESQ; Clerk Sheryl Knutsen RN, Vincent Guerra MD, Gerald Topping PE, John Coulon RS, Health Agent; Richard Gandt, Selectman; Susan Winslow, Minutes Secretary.

With a quorum present, Mr. Hunt called the meeting to order at 7:40 pm.

ABBREVIATIONS:

CDC: Center for Disease Control
DEP: Department of Environmental Protection
DPH: Department of Public Health
EEE: Eastern Equine Encephalitis
EDS: Emergency Dispensing Site
EP: Emergency Preparedness
EPA: Environmental Protection Agency
ESQ: Esquire
MAHB: Massachusetts Association of Health Boards
MDPH: Massachusetts Department of Public Health
MHOA: Massachusetts Health Officers Association
MRC: Medical Reserve Corps
NEMMC: Northeast Massachusetts Mosquito Control
PE: Professional Engineer
PHEP: Public Health Emergency Preparedness
RN: Registered Nurse
RS: Registered Sanitarian
TBOH: Topsfield Board of Health
TRMRC: Topsfield Regional Medical Reserve Corps
US: United States
WNV: West Nile Virus

Public Information
Agenda

APPOINTMENTS:

There were no appointments scheduled for this meeting.

HEALTH AGENT REPORT:

Mr. Coulon addressed the Board with an update on recent activities:

- Current projects at 3 Beech Place and 13 Pond Street
- Issuance of a Beaver Trapping Permit to the Superintendent of the Water Department in response to a beaver dam posing potential threat to Perkins Row well field. Two beavers were caught.
- Third tight tank was installed at the Fairgrounds by Richard Thompson.
- Review of Nelson's Ride: 3 day motorcycle rally at Fairgrounds including 10 food vendors on August 15 – 17, 2014.
- Review of food permit procedure with two vendors found selling produce without permits in location where Topsfield Farmer's Market used to be. Former permit applicant for Topsfield Farmer's Market has moved and no-one continued the tradition.
- Description of upcoming Pooch A Palooza at Fairgrounds September 6-7, 2014 including 7 food vendors
- Mosquito testing continues on a weekly basis. Thus far, there have been no findings of EEE or WNV in mosquitoes tested in Topsfield this season.

EMERGENCY PREPAREDNESS:

- Mr. Coulon informed the Board that David Trowt will be leaving his position as Public Health Regional Coordinator for the Northeast Region to take a job as Emergency Preparedness Coordinator at Raytheon.
- History of the town's badging machine, purchased with PHEP funds in 2007, and TRMRC Coordinator Arthur Howe's efforts to bring the machine back into working condition in order to produce badges for TRMRC volunteers.
- Mr. Howe was to attend the Region 3 MRC meeting today (August 28, 2014), and he has been participating in EP Webinars.
- 2nd Annual Shakeout, October 2, 2014, Earthquake Preparedness

MINUTES REVIEW:

The Board reviewed the July 24, 2014 Minutes. Ms. Knutsen moved to accept the July 24, 2014 Minutes with one edit: the removal of the word 'local' on page 3 under the section titled 'Vaccine Availability'.

VOTE: Mr. Topping made a motion to approved the amended July 24, 2014 Minutes to include the deletion of the word 'local' on page 3 under the section titled 'Vaccine Availability.' Ms. Knutsen seconded and the motion carried in a unanimous vote.

FLUORIDE:

Mr. Coulon informed the Board that Great Hill Drive resident Jeffy Demeter collected the requisite number of signatures (100) to demand a Special Town Meeting regarding her opposition to the addition of Fluoride in Topsfield public drinking water. Town regulations require that a special town meeting must be held within 45 days so the town has scheduled a Special Town Meeting at the Proctor School on September 30, 2014. The Board noted that Topsfield has consistently maintained a level of Fluoride in Topsfield in accordance with best practice safety standards followed by the Topsfield Water Board. The Board took an informal poll regarding their support or non-support of continuing the current practice of adding Fluoride to Topsfield public drinking water in accordance with best practices followed by the Topsfield Water Board, and all Board Members present acknowledged that they support the current practice of the Topsfield Water Board regarding the addition of minimal amounts of Fluoride to public drinking water in Topsfield. The question was raised regarding the ability of a special town meeting to supercede the jurisdiction of local Health Departments.

Mr. Coulon is going to pursue this matter with the Massachusetts Department of Public Health General Counsel and the Massachusetts Association of Health Boards (MAHB). Mr. Coulon noted that this issue was in front of the Board of Health in 2009, and the Board took no action at that time. The Board tabled further discussion of this matter to the September 25, 2014 Board of Health Meeting.

REGULATIONS:

Mr. Topping read into the record the legal notice from the Tri Town Transcript regarding the discussion and vote to update Topsfield Septic Regulations. He noted that the Hearing to review and vote on updating Topsfield Septic Regulations was duly advertised on August 15 and August 22, 2014 in the Tri Town Transcript.

Regulation 1-2.3

Section 15. Percolation Test Data Validity

Mr. Topping reminded the Board that there is currently a two year expiration on Percolation Test Data Validity. He explained that the characteristics of soil, also known as redoximorphic features, do not change in geologic time unless the land is altered. He further explained that sufficient oversight is conducted when the septic bed is dug and examined during the bottom of hole inspection to confirm that the soil accurately reflect the results of the initial Percolation Test. His recommendation is that the Board vote to delete the two year expiration of Percolation Test Data Validity.

Section 16. Percolation Rate

Mr. Topping explained that 19 years of practical operations history indicates that a 30 minute-per-inch percolation rate is sufficient to protect groundwater and public health. Mr. Topping further explained that soil science has improved in the past twenty years so that redoximorphic features are now used for soil modeling, thus doing away with seasonal testing to determine high groundwater levels. Mr. Topping recommended that the Board vote to change the percolation rate from 20 minutes-per-inch to 30 minutes-per-inch.

Title V Inspection Report Review:

Mr. Coulon presented a request to include the following language in the Topsfield Supplemental Septic Regulations regarding Title V Inspection Reports:

All Title V Inspection Reports must be submitted fully compliant with 310CMR 15.300 – 305 (inclusive).

- A. All Title V Inspection Reports must be submitted using the current Massachusetts DEP Title V Official Inspection Form: Subsurface Sewage Disposal System Form.
- B. The Topsfield Board of Health or its Agent may deem the submitted Report unacceptable due to issues of non-compliance, lack of clarity or any other reason deemed pertinent to the septic system on the subject property.
- C. The Board of Health or its Agent may reject the submitted Report for lack of payment of the fee.
- D. The Board of Health will establish a fee for the review of the Report.

The floor was opened to public comment on these proposed changes to the Topsfield Supplemental Septic Regulations. Selectman Gandt asked the Board to consider the concern about E-Coli he said was found in School Brook when the Town Library was required to do testing of the brook. He suggested that the E-Coli

might be coming from a septic system that had contact with groundwater although no specific site was mentioned.

Mr. Topping told the Board that current Title V regulations based on accepted soil science require a 4 foot separation of a septic system from the seasonal high groundwater level to protect public health.

VOTES:

VOTE: Ms. Knutsen made a motion to accept the Regulation change to R1-2.3 Section 15 Percolation Test Data Validity to delete the two-year expiration date of Percolation Test Data Validity. Dr. Guerra seconded and the motion carried in a unanimous vote.

VOTE: Dr. Guerra made a motion to accept the Regulation change to R 1-2.3 Section 16 Percolation Rate to change the Topsfield percolation rate from 20 minutes per inch to 30 minutes per inch. Ms. Knutsen seconded and the motion carried in a unanimous vote.

VOTE: Mr. Topping made a motion to include a new section to R 1-2 to include language regarding DEP Title V Inspection Reports as submitted and amended on August 28, 2014. Dr. Guerra seconded and the motion carried in a unanimous vote.

FEES:

Mr. Topping suggested a review of current fees with a recommended increase of 20% to existing fees. The Board tabled further discussion of Fees until Mr. Coulon could present his recommendations on Fee increases at the November or December Board meetings.

MEETING DATES:

Mr. Coulon informed the Board that the October Board Meeting conflicts with the MHOA Conference.

VOTE: Mr. Topping made a motion to combine the October and November Board Meetings to Thursday, November 13, 2014. Ms. Knutsen seconded and the motion carried in a unanimous vote.

VOTE: Mr. Topping voted to adopt the fourth Thursday of the month for Topsfield Board of Health Meetings unless scheduling conflicts necessitate a change. Ms. Knutsen seconded and the motion carried in a unanimous vote.

SWEARING IN:

Board Members were reminded that if they have not been sworn in by the Town Clerk, they must do so as soon as possible.

FLU VACCINE:

The Board discussed changes to the state flu vaccine program which has reduced the availability of flu vaccine to local boards of health. Mr. Coulon was directed to check with Maureen Sendrowski at the VNA to determine the number of vaccines available to Topsfield from the State, with an estimate of 150 doses needed to cover two flu vaccine clinics (October and December). The Board discussed the possibility of an Emergency Funds Transfer to purchase flu vaccine. Mr. Coulon was directed to provide information on costs and availability at the September 25, 2014 Board Meeting.

VOTE: Mr. Topping made a motion to adjourn at 10:40 PM. Dr. Guerra seconded and the motion carried in a unanimous vote.

Respectfully submitted,
Susan Winslow, Minutes Secretary